UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/048,204	06/03/2002	Arend Jan Brilman	294-118 PCT/US	4828

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Ronald J Baron
Hoffman & Baron
6900 Jericho Turnpike
Syosset, NY 11791

EXAMINER
NGUYEN, HUNG T

ART UNIT	PAPER NUMBER
2636	

DATE MAILED: 07/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.		Applicant(s)	
Office Action Summary	10/048,204		BRILMAN, AREND JAN	
	Examiner		**Art Unit**	
	Hung T. Nguyen		2636	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>05 May 2004</u>.

2a)☒ This action is **FINAL.**   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-14* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-14* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

2.   Claims 1-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Teodorescu et al. (U.S. 6011,477) in view of Dodakian (U.S. 5,295,490).

Regarding claim 1, Teodorescu discloses a method for registering / program or store in a

memory, movement pattern of individual, in particular lying positions of relatively young

children / infant (14) [fig.8, col.2, lines 40-47, col.9, lines 13-20] comprising:

- a sensor (12) for detecting respiration and movements of an infant (14) [figs.1,5,7,

col.1, lines 58-65, col.2, lines 4-17 , col.3, lines 55-59 , col.7, lines 57-65];

- the infant's data inputs are stored in the memory for detecting the respiration and

movements of the infant [col.2, lines 4-47 , col.9, lines 1-20 and col.10, lines 45-67];

- a monitoring system (10) includes a controller (26) is connected to a communication

unit (28) for transmitting alarm signal to a remote wireless communication (30) [fig.1,

col.4, lines 12-19 , col.8, lines 37-46 and col.11, lines 8-45].

        Teodorescu fails to specifically mention the sensor is attached to or onto the

infant.

Teodorescu discloses the sensor (12) for detecting respiration and movements of an infant (14) such as a child resting on the sensor [figs.1,5,7, col.1, lines 58-65, col.2, lines 4-17 , col.3, lines 55-59 , col.7, lines 57-65].

Furthermore, Dodakian discloses a method for registering / program or store in a memory, movement pattern of individual, in particular lying positions of relatively young children / infant having a sensor / detector (14) which may be worn around the chest or abdomen of the infant [figs.1-2A-B, col.2, lines 60-66 and col.5, lines 1-10].

Therefore, it would have been obvious to one having ordinary skill in the art to employ the teaching of Dodakian in the system of Teodorescu for providing a multi option to mount or attach the sensor at any desired location for detecting respiration and movements of an infant.

Regarding claims 2-3, Teodorescu discloses the method for registering / program or store in a memory, movement pattern of individual, in particular lying positions of relatively young children / infant (14) [fig.8, col.2, lines 40-47, col.9, lines 13-20] comprising:

- the infant's data inputs are stored in the memory for detecting the respiration and movements of the infant [col.2, lines 4-47 , col.9, lines 1-20 and col.10, lines 45-67];

- the monitoring system (10) includes the controller (26) is connected to the communication unit (28) for transmitting alarm signal to the remote wireless communication (30) whenever the sleeping position is incorrect position , respiration is abnormal, and also movements of infant. Those signals are compared with the predetermined thresholds [fig.1, col.4, lines 12-19 , col.8, lines 37-46 and col.11, lines 8-45].

Regarding claim 4, Teodorescu discloses the method for registering / program or store in

a memory, movement pattern of individual, in particular lying positions of relatively

young children / infant (14) [fig.8, col.2, lines 40-47, col.9, lines 13-20] comprising:

- the infant's data inputs are stored in the memory for detecting the respiration and

movements of the infant [col.2, lines 4-47 , col.9, lines 1-20 and col.10, lines 45-67];

- the monitoring system (10) includes the controller (26) is connected to the

communication unit (28) for transmitting alarm signal to the remote wireless

communication (30) whenever the sleeping position is incorrect position , respiration is

abnormal, and also movements of infant. Those signals are compared with the

predetermined thresholds [fig.1, col.4, lines 12-19 , col.8, lines 37-46 and col.11, lines 8-

45].

Regarding claim 5, Teodorescu discloses an apparatus for registering / program or store

in a memory, movement pattern of individual, in particular lying positions of relatively

young children / infant (14) [fig.8, col.2, lines 40-47, col.9, lines 13-20] comprising:

- a sensor (12) for detecting respiration and movements of an infant (14) [figs.1,5,7,

col.1, lines 58-65, col.2, lines 4-17 , col.3, lines 55-59 , col.7, lines 57-65];

- the infant's data inputs are stored in the memory for detecting the respiration and

movements of the infant [col.2, lines 4-47 , col.9, lines 1-20 and col.10, lines 45-67];

- a monitoring system (10) includes a controller (26) is connected to a communication

unit (28) for transmitting alarm signal to a remote wireless communication (30) [fig.1,

col.4, lines 12-19 , col.8, lines 37-46 and col.11, lines 8-45].

Teodorescu fails to specifically mention the sensor is attached to a body of an individual or onto the infant.

Teodorescu discloses the sensor (12) for detecting respiration and movements of an infant (14) such as a child resting on the sensor [figs.1,5,7, col.1, lines 58-65, col.2, lines 4-17 , col.3, lines 55-59 , col.7, lines 57-65].

Furthermore, Dodakian discloses a method for registering / program or store in a memory, movement pattern of individual, in particular lying positions of relatively young children / infant having a sensor / detector (14) which may be worn around the chest or abdomen of the infant [fig.1, col.2, lines 60-66 and col.5, lines 1-10].

Therefore, it would have been obvious to one having ordinary skill in the art to employ the teaching of Dodakian in the system of Teodorescu for providing a multi option to mount or attach the sensor at any desired location for detecting respiration and movements of an infant.

Regarding claim 6, Teodorescu discloses the monitoring system (10) includes an alarm signal is audio signal / two way audio communication such as mobile phone [fig.1, col.4, lines 12-19 , col.8, lines 37-46 and col.11, lines 8-45].

Regarding claims 7-8, Teodorescu discloses the apparatus for registering / program or store in a memory, movement pattern of individual, in particular lying positions of relatively young children / infant (14) [fig.8, col.2, lines 40-47, col.9, lines 13-20] comprising:

- the infant's data inputs are stored in the memory for detecting the respiration and

movements of the infant [col.2, lines 4-47 , col.9, lines 1-20 and col.10, lines 45-67];

- the monitoring system (10) includes the controller (26) is connected to the

communication unit (28) for transmitting alarm signal to the remote wireless

communication (30) whenever the sleeping position is incorrect position , respiration is

abnormal, and also movements of infant. Those signals are compared with the

predetermined thresholds [fig.1, col.4, lines 12-19 , col.8, lines 37-46 and col.11, lines 8-

45].

Regarding claim 9, Teodorescu does not discloses the apparatus for registering / program

or store in a memory, movement pattern of individual, in particular lying positions of

relatively young children / infant (14) is encoded.

However, Teodorescu discloses the apparatus for registering / program or store in

a memory, movement pattern of individual, in particular lying positions of relatively

young children / infant (14) [fig.8, col.2, lines 40-47, col.9, lines 13-20] comprising:

- the infant's data inputs are stored in the memory for detecting the respiration and

movements of the infant [col.2, lines 4-47 , col.9, lines 1-20 and col.10, lines 45-67];

- the monitoring system (10) includes the controller (26) is connected to the

communication unit (28) for transmitting alarm signal to the remote wireless

communication (30) whenever the sleeping position is incorrect position , respiration is

abnormal, and also movements of infant. Those signals are compared with the

predetermined thresholds [fig.1, col.4, lines 12-19 , col.8, lines 37-46 and col.11, lines 8-

45].

Therefore, it would have been obvious to one having ordinary skill in the art to have the system of Teodorescu & Dodakian for monitoring the respiration and movements of an infant at a different way but performing the same function as desired.

Regarding claim 10, Teodorescu discloses the apparatus for registering / program or store in a memory, movement pattern of individual, in particular lying positions of relatively young children / infant (14) [fig.8, col.2, lines 40-47, col.9, lines 13-20] comprising:

- the infant's data inputs are stored in the memory for detecting the respiration and movements of the infant [col.2, lines 4-47 , col.9, lines 1-20 and col.10, lines 45-67];

- the monitoring system (10) includes the controller (26) is connected to the communication unit (28) for transmitting alarm signal to the remote wireless communication (30) whenever the sleeping position is incorrect position , respiration is abnormal, and also movements of infant. Those signals are compared with the predetermined thresholds [fig.1, col.4, lines 12-19 , col.8, lines 37-46 and col.11, lines 8-45].

Regarding claim 11, Dodakian discloses the sensor / detector (14) relatively smooth and flat which may be worn around the chest or abdomen of the infant [fig.1, col.2, lines 60-66 and col.5, lines 1-10].

Regarding claim 12, Both Teodorescu & Dodakian disclose the sensors (12 & 14) for pick up audio signal from the infant's breathing [figs.1,5,7, col.1, lines 58-65, col.2, lines

4-17 , col.3, lines 55-59 , col.7, lines 57-65] & [fig.1, col.2, lines 60-66 and col.5, lines 1-10].

Regarding claim 13, Teodorescu discloses the monitoring system (10) includes an alarm signal is audio signal / two way audio communication such as mobile phone [fig.1, col.4, lines 12-19 , col.8, lines 37-46 and col.11, lines 8-45] and

the monitoring system (10) includes the controller (26) is connected to the communication unit (28) for transmitting alarm signal to the remote wireless communication (30) whenever the sleeping position is incorrect position , respiration is abnormal, and also movements of infant [fig.1, col.4, lines 12-19 , col.8, lines 37-46 and col.11, lines 8-45].

Regarding claim 14, Teodorescu discloses a method for registering / program or store in a memory, movement pattern of individual, in particular lying positions of relatively young children / infant (14) [fig.8, col.2, lines 40-47, col.9, lines 13-20] comprising:

- a sensor (12) for detecting respiration and movements of an infant (14) [figs.1,5,7, col.1, lines 58-65, col.2, lines 4-17 , col.3, lines 55-59 , col.7, lines 57-65];

- the infant's data inputs are stored in the memory for detecting the respiration and movements of the infant [col.2, lines 4-47 , col.9, lines 1-20 and col.10, lines 45-67];

- a monitoring system (10) includes a controller (26) is connected to a communication unit (28) for transmitting alarm signal to remote wireless communication (30) whenever the sleeping position is incorrect position , respiration is abnormal, and also movements

of infant. Those signals are compared with the predetermined thresholds [fig.1, col.4,

lines 12-19 , col.8, lines 37-46 and col.11, lines 8-45] and

- the monitoring system (10) includes an alarm signal is audio signal / two way audio

communication such as mobile phone [fig.1, col.4, lines 12-19 , col.8, lines 37-46 and

col.11, lines 8-45].

Teodorescu does not to specifically mention the sensor is attached to a body of a

young children.

Teodorescu discloses the sensor (12) for detecting respiration and movements of

an infant (14) such as a child resting on the sensor [figs.1,5,7, col.1, lines 58-65, col.2,

lines 4-17, col.3, lines 55-59 , col.7, lines 57-65].

Furthermore, Dodakian discloses a method for registering / program or store in a

memory, movement pattern of individual, in particular lying positions of relatively young

children / infant having a sensor / detector (14) which may be worn around the chest or

abdomen of the infant [fig.1, col.2, lines 60-66 and col.5, lines 1-10].

Therefore, it would have been obvious to one having ordinary skill in the art to

employ the teaching of Dodakian in the system of Teodorescu for providing a multi

option to mount or attach the sensor at any desired location for detecting respiration and

movements of an infant.

Arguments & Responses

3.　　Applicant's arguments filed on May 5, 2004 have been fully considered but they are not persuasive reason.

Applicant's Arguments:

A)　　A reference of Teodorescu fails to disclose a sensor is attached to a body of young children / there is no physical attachment to the child.

B)　　The references of Teodorescu & Dodakian can not be combined for rejections.

Response to arguments:

A)　　The reference of Teodorescu teaches a new technique as a sensor (12) is enclosed by textile fabric, comforter covers contacted with a body of young children (14) for detecting respiration and movements of an infant (14) such as a child resting on the sensor (12) without physical attachment to the child which could be considered improvement ways as quick, easy to a user and safety for the child [figs.1,5,7, col.1, lines 58-65, col.2, lines 4-17, col.3, lines 55-59 , col.7, lines 57-65].

B)   The references of Teodorescu & Dodakian can be combined for rejections in

the following:

*   Both references directly disclose about monitoring / detecting respiration of an

infant by a sensor.

*   The reference of Teodorescu does not to specifically mention the sensor is

attached to a body of an individual or onto the infant is NOT the primary subject of the

invention. That is an obvious of the skilled artisan.

Teodorescu discloses the sensor (12) for detecting respiration and movements of

an infant (14) such as a child resting on the sensor [figs.1,5,7, col.1, lines 58-65, col.2,

lines 4-17 , col.3, lines 55-59 , col.7, lines 57-65].

Furthermore, Dodakian discloses a method for registering / program or store in a

memory, movement pattern of individual, in particular lying positions of relatively young

children / infant having a sensor / detector (14) which could be **worn / attached** around

the chest or abdomen of the infant [fig.1, col.2, lines 60-66 and col.5, lines 1-10].

Therefore, it would have been obvious to one having ordinary skill in the art to

employ the teaching of Dodakian in the system of Teodorescu for providing a multi

option to mount or attach the sensor at any desired location for detecting respiration and

movements of an infant.

Conclusion

4.   THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of

time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filled within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE MONTHS shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, any

extension fee pursuant to 37 CFR 1.136(a) will calculated from the mailing date of the

advisory action. In no event, however, will the statutory period for reply expire later than

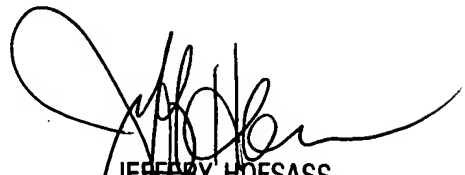SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Hung T. Nguyen whose telephone number is (703) 308-

6796. The examiner can normally be reached on Monday to Friday from 8:00am to

5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Hofsass, Jeffery can be reached on (703) 305-4717. The fax phone number

for this Group is (703) 872-9314.

Any inquiry of a general nature or relating to the status of this application or

proceeding should be directed to the Group receptionist whose telephone number is (703)

305-4700.

Examiner: Hung T. Nguyen

Date: July 9, 2004

JEFFERY HOFSASS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600